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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL FOX,

12 Plaintiff,

13 vs.

14 PAULA PATSON, et al.,

15 Defendants.
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CASE NO. 07cv2388 DMS (POR)

**ORDER DENYING PLAINTIFF'S
MOTION TO SET ASIDE**

[Docket Nos. 45, 51]

17 On June 24, 2008, this Court issued an Order granting the Federal Defendants' motion to
18 dismiss Plaintiff's case for lack of subject matter jurisdiction. Plaintiff has since filed the present
19 motion to set aside that Order. The Federal Defendants have filed an opposition to the motion, and
20 Plaintiff has filed a reply.

21 Federal Rule of Civil Procedure 60(b) provides that a court may relieve a party from a
22 judgment or final order for the following reasons:

23 (1) mistake, inadvertence, surprise or excusable neglect;

24 (2) newly discovered evidence that, with reasonable diligence, could not have been
25 discovered in time to move for a new trial under Rule 59(b);

26 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
27 misconduct by an opposing party;

28 (4) the judgment is void;

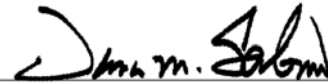
1 (5) the judgment has been satisfied, released or discharged; it is based on an earlier
2 judgment that has been reversed or vacated; or applying it prospectively is no longer
equitable; or

3 (6) any other reason that justifies relief.

4 Fed. R. Civ. P. 60(b). Here, Plaintiff seeks relief from the order dismissing his case because he
5 believes it is incorrect and mistaken. However, he fails to explain how the order is incorrect, or what
6 mistakes were made. This is insufficient to warrant relief from the order of dismissal. Accordingly,
7 the Court denies Plaintiff's motion to set aside the June 24, 2008 order dismissing his case.

8 **IT IS SO ORDERED.**

9 **DATED: August 18, 2008**

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11 **HON. DANA M. SABRAW**
12 **United States District Judge**